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In re Application of
LANGLAIS

Application No.: 10/510,633
PCT No.: PCT/FR03/01022
Int. Filing Date: 02 April 2003
Priority Date: 09 April 2002
Attorney Docket No.: 4444-047

For: TELECOMMUNICATION SYSTEM VIA A MAIN
INTERNET-TYPE NETWORK.....

DECISION

The above-identified application is before the PCT Legal Office for matters arising under 35 U.S.C. 371 and is responsive to applicant's letter dated 21 August 2007.

BACKGROUND

On 08 October 2007, within the thirty month period, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390).

On 17 February 2005, a Notification of Missing Requirements was mailed to applicant indicating that an English translation of the international application was required. Applicant was advised the translation was defective in that the number of claims in the International application and the number of claims in the translation are not the same. A processing fee for filing the English translation after the thirty month period was also required. On 18 April 2005, applicant responded to the Notification of Missing Requirements indicating that Claim 7 was canceled by an amendment during the preliminary examination of the PCT application.

On 30 May 2006, a Notification of Defective Response was mailed to applicant indicating that an English translation of the international application as originally filed was required. Applicant was given ONE (1) month within which to respond or within the time remaining in the Notification of Missing Requirements.

On 11 July 2006, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the Notification of Missing Requirements within the time period set therein.

On 21 August 2007, applicant filed a letter indicating that applicant had responded to the Notification of Missing Requirements on 20 June 2006 and that applicant had never received the Notification of Abandonment issued on 11 July 2006.

DISCUSSION

A review of the application file reveals that on 20 June 2006, applicant paid, by credit card, the \$130 processing fee for filing the English translation after the thirty month period. This was an incomplete response to the 17 February 2005 Notification of Missing Requirements and the 30 May 2006 Notification of Defective Response. An English translation of the originally filed international application was required and was not provided.

Applicant argues that Claim 7 of the originally filed international application was canceled and thus, an English translation of the amended application is sufficient. However, an English translation of the International application as filed is required pursuant to 35 U.S.C. 371(c)(2) and 37 CFR 1.495(b), which states that a translation of the international application, as filed, into the English language, if it was originally filed in another language is required. Such English translation of the originally filed international application has not been provided.

CONCLUSION

This application remains abandoned.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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